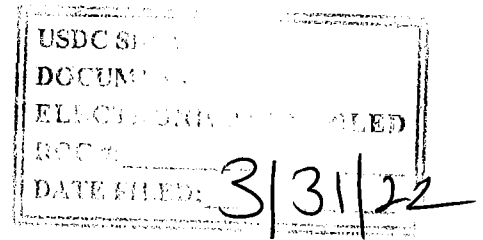


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
ADELMO TOMASSETTI and ROSE
TOMASSETTI,

Plaintiffs,

v.

LITTLE GIANT LADDER SYSTEMS, LLC
formerly known as WING ENTERPRISES,
INC.,

Defendant.
-----X

ORDER

22 CV 2587 (VB)

Plaintiffs brings this action invoking subject matter jurisdiction by reason of diversity of citizenship under 28 U.S.C. § 1332.

To invoke diversity jurisdiction under 28 U.S.C. § 1332, there must be complete diversity of citizenship. Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996). Thus, 28 U.S.C. § 1332 “applies only to cases in which the citizenship of each plaintiff is diverse from the citizenship of each defendant.” Id.; see also Lincoln Prop. Co. v. Roche, 546 U.S. 81, 89 (2005). Specifically, 28 U.S.C. § 1332(a)(1) applies when the dispute is between “citizens of different States.”

A limited liability company (“LLC”) has the citizenship of each of its individual or entity members. Handelsman v. Bedford Vill. Assocs. Ltd. P’ship, 213 F.3d 48, 51–52 (2d Cir. 2000).

An individual’s citizenship is determined by domicile—“the place where a person has his true fixed home and principal establishment, and to which, whenever he is absent, he has the intention of returning.” Palazzo ex rel. Delmage v. Corio, 232 F.3d 38, 42 (2d Cir. 2000) (internal quotation marks omitted). Thus, an allegation of residency alone is insufficient.

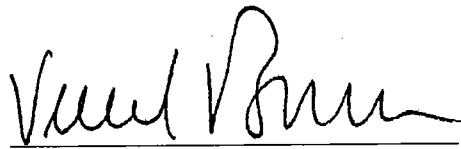
Here, the complaint alleges defendant Little Giant Ladder Systems LLC is an LLC “organized under the laws of the State of Utah, with its principal place of business [in Utah].” However, the complaint identifies neither each individual or entity member of Little Giant Ladder Systems LLC, nor each individual or entity member’s citizenship.

Moreover, the complaint alleges plaintiffs are residents of the State of New York, but it does not allege either plaintiff's citizenship.

Accordingly, by April 7, 2022, plaintiffs' counsel shall submit a letter explaining in detail the citizenship of each of the parties, so that the Court can determine whether it has subject matter jurisdiction.

Dated: March 31, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge